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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/787,058
	Conf. No.	9527
	Filing Date	02/24/04
	First Named Inventor	Spilker, Jr.
	Group Art Unit	3662
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	RSM054001

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Response to Request for Correct Filing Receipt, Copy of Response to Request for Correct Filing Receipt, Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Richard A. Dunning, Jr.
Signature	
Date	12-10-04

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO BOX 1450, Alexandria VA 22313-1450 on this date:			
Type or printed name	Diane Dunning	Date	12-13-04
Signature		Date	12-13-04

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Spilker, Jr.
Serial No. : 10/787,058
Filed : 2/24/2004
Title : Position Location and Data Transmission using Pseudo Digital Television Transmitters
Attorney Docket No.: RSM054001

Art Unit : 3662

Examiner :

Conf. No. : 9527

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

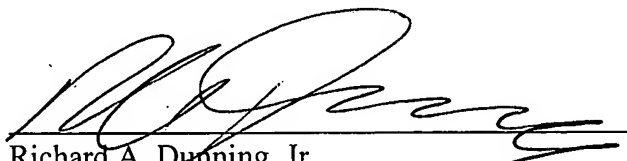
RESPONSE TO RESPONSE TO REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

The Response To Request For Corrected Official Filing Receipt mailed 11/26/2004 (copy attached) in the subject application asserts that "A claim for priority cannot be made based on an application filed after the application making the claim." Applicant notes that the filing dates of the applications to which priority is claimed in the Request For Corrected Official Filing Receipt filed 11/8/2004 (copy attached) fall in the year 2001, which precedes the filing date of the subject application. Therefore, Applicant respectfully requests that the Filing Receipt be corrected as shown in the Request For Corrected Official Filing Receipt filed 11/88/2004 (copy attached).

Should you have any questions, please telephone Richard A. Dunning, Jr., Applicant's Attorney, at 831.420.0561 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,

Date: 12-10-04


Richard A. Dunning, Jr.
Reg. No. 42,502
PTO Customer No. 29825



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/787,058	02/24/2004	3662	1080	RSM054001	22	24	4

29825
LAW OFFICE OF RICHARD A. DUNNING, JR.
343 SOQUEL AVENUE
SUITE 311
SANTA CRUZ, CA 95062

RECEIVED

NOV 07 2004

CONFIRMATION NO. 9527
UPDATED FILING RECEIPT
OC000000014276301
OC000000014276301

Date Mailed: 11/03/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

James J. Spilker JR., Woodside, CA;

Power of Attorney:

Richard Dunning Jr-42502

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/449,688 02/24/2003
and claims benefit of 60/453,461 03/10/2003
and is a CIP of 10/210,847 07/31/2002
which is a CON of 09/887,158 06/21/2001 ABN
which claims benefit of 60/265,675 02/02/2001
and claims benefit of 60/281,270 04/03/2001
and claims benefit of 60/281,269 04/03/2001
and claims benefit of 60/293,812 05/25/2001
and claims benefit of 60/293,813 05/25/2001
and claims benefit of 60/293,646 05/25/2001

and claims benefit of 60/309,267 7/51/01
" " " 60/344,988 12/20/01

Foreign Applications

If Required, Foreign Filing License Granted: 05/18/2004

The country code and number of your priority application, to be used for filing abroad under the Paris

Convention, is **US10/787,058**

Projected Publication Date: 02/10/2005

Non-Publication Request: No

Early Publication Request: No

Title

Position location and data transmission using pseudo digital television transmitters

Preliminary Class

342

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/787,058	02/24/2004	James J. Spilker JR.	RSM054001

29825
 LAW OFFICE OF RICHARD A. DUNNING, JR.
 343 SOQUEL AVENUE
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 SANTA CRUZ, CA 95062

CONFIRMATION NO. 9527



OC000000014598527

RECEIVED
 DEC 03 2004

Date Mailed: 11/26/2004

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Domestic Continuity and Foreign Priority

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- ☐ Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.
- ☒ A claim for priority cannot be made based on an application filed after the application making the claim. *60309267 and 60344988*
- ☐ Domestic benefit and foreign priority claims will not be captured in a provisional application. A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
- ☐ A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- ☐ Foreign priority will appear on the Filing Receipt in the following order: **Country, Application number, Filing date.**
- ☐ This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.

- ☐ The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as domestic or foreign priority.
- ☐ To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.
- ☐ To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

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